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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,384	01/02/2001	Masahichi Kishi	566.39297X00	3620

7590 04/23/2004

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EXAMINER
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PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 04/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/700,384

Applicant(s)

KISHI, MASAHIKI

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho (US 6,072,785).

1. Regarding claims 1 and 4 – Ho discloses a transmitting side, refer to Figure 1.

Ho discloses a means for obtaining a primary modulated wave by performing differential coding phase modulation on a carrier signal in accordance with information, refer to Figure 1 callouts 11, 12, and 13 and column 1 line 49 to column 2 line 7 and column 2 lines 41 to 67.

Ho discloses a means for generating a spread signal including a plurality of transmission segments, by multiplying said primary modulated wave by a spread code repeatedly a plurality of times within a symbol period, and for transmitting said generated spread signal, refer to Figure 1 callouts 11, 12, and 13 and column 1 line 49 to column 2 line 7 and column 2 lines 41 to 67.

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Ho discloses a receiving side, refer to Figure 2.

Ho discloses a means for detecting a phase difference between a past symbol and a present symbol, by performing quasi-synchronous detection and despreading, and difference operation, refer to Figure 2 and column 3 lines 4 to 39.

Ho discloses a means for outputting the detected phase difference as information of said symbol, refer to Figure 2 and column 3 lines 4 to 39.

2. Regarding claims 4 and 7 – Ho discloses a means for regenerating the information by despreading, said despreading being performed by obtaining a sum of values that, in turn, are obtained by multiplying transmission segments of the received spread signal by corresponding despread code sequences, refer to Figure 2 and column 3 lines 4 to 39.

Ho discloses said means for regenerating on the receiving side performs said despreading in virtual segments defined being superposed on the transmission segments, refer to Figure 2 and column 3 lines 4 to 39.

#### *Allowable Subject Matter*

Claims 5, 6, and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 3, and 12-15 are allowable over the prior art of record.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Ho et al. (US 6,072,770) discloses a method and system providing unified DPSK-PSK signaling for communications.
2. Magill (US 5,729,570) discloses an orthogonal code division multiple access communication system having multicarrier modulation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

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For informal or draft communications, please label "PROPOSED" or "DRAFT"

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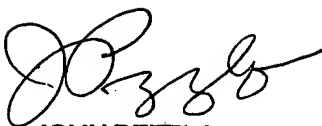
Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

19 April 2004



**JOHN PEZZLO**  
**PRIMARY EXAMINER**